

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
May 18, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on May 18, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

REPORT: General Manager Steve Bryce, Burlington Royals 2011 Season

MINUTES

Mayor Wall called for approval of the minutes of the Special City Council meeting with legislators on April 30, 2010, City Council work session on May 3, 2010, and the City Council meeting on May 4, 2010.

Upon motion by Councilmember Butler, seconded by Councilmember Ross, it was resolved unanimously to approve the minutes of the above-referenced meetings.

ADD-ONS:

- a. Consent Agenda - Temporary Closing - Downtown Streets/Parking Lot - "Musical Chairs" Concerts
- b. New Business - 2010 United Way Community Event

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to approve the add-ons.

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to adopt the agenda with the above-referenced add-ons.

ITEM 1- CONSENT AGENDA

A) Budget Amendment 2010-45 - General Fund 2009-10 Budget -
Financed Equipment

BA2010-45

Increase Revenues:

010-38100-0000 Proceeds - Installment Financing \$1,077,538

Increase Expenditures:

Police - Administration	
010-51511-7400 Equipment	\$ 190,538
<u>Fire - Emergency Response Services</u>	
010-53535-3300 Departmental Supplies	2,000
010-53535-3390 Equipment Not Capitalized	20,000
<u>Fire - Emergency Services Facilities</u>	
010-53536-3300 Departmental Supplies	3,000
<u>Fire - Emergency Response Equipment</u>	
010-53538-3300 Departmental Supplies	65,677
010-53538-7400 Equipment	759,323
<u>Public Works - Maint Paved Streets</u>	
010-56562-7400 Equipment	37,000

B) Budget Amendment 2010-46 - PTCOG Grant - Area Agency on Aging -
Title III-D Health Promotion & Disease Prevention

BA2010-46

Increase Revenues:

010-33400-6260 PTCOG Grants \$ 3,000

Increase Expenditures:

010-62626-3300 Departmental Supplies \$ 3,000

C) Budget Amendment 2010-47 - Police Needs - Funded by RICO

BA2010-47

Increase Revenues:

013-39398-0000	Appropriated Fund Balance	\$69,425
----------------	---------------------------	----------

Increase Expenditures:

013-52520-1500	Maint/Rep Bldg & Grounds	\$ 6,500
013-52520-3306	K-9 Care	7,625
013-52520-3390	Equipment Not Capitalized	15,800
013-52520-7400	Equipment	39,500

- D) To approve a request from the Burlington Recreation and Parks Department to close the following streets and parking lot for the "Musical Chairs" concerts:

Main Street from Davis to Front Streets and Front Street from Worth to Spring Streets on May 28, July 30, August 27, 2010, from 5:30 - 11 p.m., and to close the parking lot next to the depot (Lot #2) on June 25 and September 24, 2010, from 5:30 - 11 p.m.

Upon motion by Councilmember Faucette, seconded by Councilmember Ross, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARING:

Item 2 - AUBURN SPRINGS AND AUBURN TRACE - ANNEXATION ORDINANCE

Mayor Wall announced that a public hearing had been scheduled to consider approval of the Auburn Springs and Auburn Trace annexation to be effective May 18, 2010, at 11:59 p.m.

Planning and Economic Development Director Bob Harkrader said that this was an annexation by petition and that the annexations included a 144 unit apartment complex and a 498 unit elderly care facility located off Crouse Lane.

Upon motion by Mayor Pro Tem Huffman, seconded Councilmember Ross, it was resolved unanimously to close the public hearing.

Mayor Pro Tem Huffman moved for the adoption of the following ordinance:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF BURLINGTON, NORTH CAROLINA

WHEREAS, the City Council has been permitted under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the City of Burlington Municipal Building at 7:00pm on May 18, 2010, after due notice by the publication on May 7, 2010; and

WHEREAS, the City Council finds that the petition meets the requirements of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Burlington, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31 the following described territory is hereby annexed and made part of the City of Burlington as of May 18, 2010, at 11:59pm.

Auburn Springs & Auburn Trace Contiguous Voluntary Annexation
A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by the right-of-way line of Crouse Lane, bounded on the east by WKS Corporation and by BB&T, bounded on the south by Cody Mitchell Perry and Debra Isley property and bounded on the west by property owned by Kirkpatrick Professional Center, Kirkpatrick I, LLC, and Alamance Eye Real Estate, LLC, and being more particularly described as follows:

Lot 1 Auburn Springs Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781 of the Alamance County Register of Deeds; and running thence S 81° 47' 03" E for a distance of 598.79 feet to an iron pipe, said point being the northwest corner of the Auburn Trace Housing Associates, LLC property, as described in Deed Book 2411, Page 828 of the Alamance County Register of Deeds; thence S 08° 12' 57" W for a distance of 40.00 feet along the Auburn Trace line to a nail set in the pavement; thence S 07° 07' 54" E for a distance of 47.86 feet to an iron pipe; thence S 02° 43' 10" W for a distance of 64.49 feet to an iron pipe; thence, S 35° 54' 27" W

for a distance of 93.34 feet to an iron pipe; thence N 87° 16' 50" W for a distance of 96.48 feet to an iron pipe, said iron pipe being the northeast corner of the Evergreen Construction Company property described in Deed Book 2414, Page 648 of the Alamance County Register of Deeds; thence S 79° 47' 14" W for a distance of 200.14 feet to an iron pipe, said iron pipe being the northwest corner of the Evergreen Construction Company property; thence N 35° 07' 50" W a distance of 420.09 feet along the Kirkpatrick property line to an iron pipe being the POINT OF BEGINNING; more particularly describing a 2.88 acre tract of land.

Lot 2 Auburn Trace Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835 of the Alamance County Register of Deeds; and running thence S 81° 47' 03" E for a distance of 89.95 feet to an iron pipe; thence along a curve having a bearing of S 87° 55' 54" E, a radius of 634.10 feet, and for a distance of 141.46 feet to an iron pipe along said right-of-way, said point being the northwest corner of the Evergreen Construction Company property described in Deed Book 215, Page 434 of the Alamance County Register of Deeds; thence S 04° 35' 38" E for a distance of 40.00 feet to an iron pipe on the Evergreen line; thence, S 14° 28' 45" W for a distance of 111.51 feet to an iron pipe on said line; thence N 87° 16' 50" W for a distance of 88.70 feet to an iron pipe on said line; thence, S 03° 20' 26" W for a distance of 192.69 feet to a point marked on a manhole on said line; thence, S 38° 13' 32" E for a distance of 195.15 feet to an iron pipe on said line; thence N 47° 01' 54" E for a distance of 52.24 feet to an iron pipe on said line; thence S 87° 58' 06" E for a distance of 55.38 feet to a point marked on a manhole on said line; thence S 42° 58' 06" E for a distance of 266.98 feet to an iron pipe; said iron pipe being the southwestern corner of the Evergreen Construction Company property described in Deed Book 2158, Page 434, of the Alamance County Register of Deeds, said iron pipe also being on the northwestern property line of the Perry Mitchell property described in Deed Book 2116, Page 837 of the Alamance County Register of Deeds; thence S 46° 57' 47" W for a distance of 164.01 feet to an iron pipe, said iron pipe being the northwestern point of the Mitchell property, said iron pipe also being the northeastern point of the John B. Isley property described in Deed Book 93, Page 200 of the Alamance County Register of Deeds; thence S 48° 15' 18" W for a distance of 299.36 feet to an iron pipe on the Isley line; thence N 35° 12' 53" W for a distance of 663.64 feet to an iron pipe, said iron pipe being the southwestern corner of the Evergreen Construction Company property described in Deed

Book 2414, Page 648 of the Alamance County Register of Deeds, thence, N 79° 40' 48" E for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the Evergreen Construction property; thence N 35° 10' 07" W for a distance of 219.88 feet to an iron pipe, said iron pipe being the northeastern corner of the Evergreen Construction Company property, said iron pipe also being on the southern line of the Auburn Springs Housing Associates, LLC property described in Deed Book 2411, page 835 of the Alamance County Register of Deeds; thence, S 87° 16' 50" E for a distance of 96.48 feet to an iron pipe along the Auburn Springs line; thence, N 35° 54' 27" E for a distance of 93.34 feet to an iron pipe on said line; thence, N 02° 43' 10" E for a distance of 64.49 feet to an iron pipe on said line; thence, N 07° 07' 54" W for a distance of 47.86 feet to a nail in the pavement on said line; thence N 08° 12' 57" E a distance of 40.00 feet to the POINT OF BEGINNING; more particularly describing a 6.80 acre tract of land.

Lot 3 Evergreens Construction Company

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Trace Housing Associates, LLC property described in Deed Book 2411, Page 828, of the Alamance County Register of Deeds; and running thence along a curve with a bearing of N 85° 29' 37" E, having a radius of 684.04 feet for a distance of 3.64 feet to an iron pipe along said right-of-way; thence N 85° 24' 22" E for a distance of 154.07 feet to an iron pipe along said right-of-way, said point also being on the western line of the Waterfalls, LLC property described in Deed Book 2376, Page 314 of the Alamance County Register of Deeds; thence, S 24° 10' 46" E for a distance of 150.04 feet to an iron pipe along the Waterfalls, LLC, line, said point being the southwestern corner of the Waterfalls, LLC property; thence, N 57° 58' 54" E for a distance of 326.90 feet to an iron pipe on said line; thence S 15° 16' 40" E for a distance of 405.47 feet to a stone on said line, said stone being the southwestern corner of the Waterfalls, LLC, property, said stone also being on the northern line of the David and Ann Isley property described in Deed Book 546, Page 772, of the Alamance County Register of Deeds; thence S 46° 57' 47" W for a distance of 452.68 feet to an iron pipe, said iron pipe being located on the northern property line of the Perry Mitchell property described in Deed Book 2116, Page 837, of the Alamance County Register of Deeds, said point also being the southwestern corner of the Auburn Trace property; thence N 42° 58' 06" W for a distance of 266.98 feet to a point marked on a manhole along the Auburn Trace line; thence, N 87° 58' 06" W for a distance of 55.38 feet to an iron pipe on said line; thence S 47° 01' 54" W for a distance of 52.24

feet to an iron pipe on said line; thence, N 38° 13' 32" W for a distance of 195.15 feet to a point marked on a manhole on said line; thence, N 03° 20' 26" E for a distance of 192.69 feet to an iron pipe on said line; thence, S 87° 16' 50" E for a distance of 88.70 feet to an iron pipe on said line; thence, N 14° 28' 45" E for a distance of 111.51 feet to an iron pipe on said line; thence N 04° 35' 38" W a distance of 40.00 feet to the POINT OF BEGINNING and more particularly describing a 7.16 acre tract of land.

Lot 4 Evergreens Construction Company

BEGINNING at an iron pipe on the eastern line of Kirkpatrick Professional Center, LLC, at a corner with Auburn Springs Housing Associates, LLC, said iron pipe being located S 35°07'50" E a distance of 420.09' from an iron pipe marking the northwestern corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds and the northeast corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781, and the southern margin of Crouse Lane (SR #1163); and running thence long the Auburn Springs line, N 79° 47' 14" E for a distance of 200.14 feet to an iron pipe, said iron pipe being on the southern line of the Auburn Springs Housing Associates, LLC property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds, said point being the northwestern corner of the Auburn Trace Housing Associates, LLC, described in Deed Book 2411, Page 828; thence, S 35° 10' 07" E for a distance of 219.88 feet to an iron pipe, said iron pipe being on the western line of the Auburn Trace property; thence S 79° 40' 48" W for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the SCDI, LLC, property described in Deed Book 2125, Page 33 of the Alamance County Register of Deeds, said iron pipe also being the northeastern corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781; thence N 35° 14' 16" W a distance of 220.42 feet to the POINT OF BEGINNING and more particularly describing a 0.92 acre tract of land.

Section 2. Upon and after May 18, 2010, at 11:59pm, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Burlington and shall be entitled to the same privileges and benefits as other parts of the City of Burlington. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Burlington shall cause to be recorded in the office of the Register of Deeds of Alamance

County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

The foregoing ordinance was seconded by Councilmember Faucette, and after full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion to adopt the foregoing ordinance were Wall, Huffman, Butler, Ross and Faucette.

NEW BUSINESS:

ITEM 3 - SET DATE OF PUBLIC HEARING - AMEND CONDITIONAL BUSINESS REZONING - BURLINGTON STATION

Mayor Wall announced that the City Council would consider a request to set a date of public hearing to amend a Conditional Business (CB) rezoning for Burlington Station approved by City Council November 1, 2005. The request is to allow the use of a tire center with auto repair with no outside storage of tires or wrecked and inoperable vehicles. The property is located on the southwest corner of Rural Retreat Road and University Drive as shown on Alamance County Tax Map 3-26-88. (ON APPEAL) (Continued from the May 4, 2010, City Council Meeting)

Mr. Joe Kalo, representing RealtyLink, Greenville, SC, requested the public hearing.

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to set a date of public hearing for June 15, 2010.

ITEM 4 - NEW BUSINESS - 2010 UNITED WAY COMMUNITY EVENT

To approve a request to have the 2010 United Way Community Event featuring The Fabulous Lumpsters on Friday, September 17, from 7 to 11 PM at the newly renovated City Park Amphitheater and to allow the caterer to serve beer and wine. The caterer will be responsible for all required licensing and insurance to serve the alcohol and food. United Way will purchase a special event liability policy with a limit of \$2,000,000.

Ms. Cindy Brady, President, United Way of Alamance County, asked Council to support the project and to allow the sale of beer and wine.

City Manager Owen stated that fencing would be erected and that United Way would limit entrances to the area with wrist bands. He stressed the need for ten to fourteen police officers to ensure safety. He said the performance would be the night before the Carousel Festival.

Ms. Brady said they would be happy to do whatever was necessary to make it secure. She said they were interested in it being contained and safe.

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the 2010 United Way Community Event and to allow the caterer to serve beer and wine.

STAFF REPORT: Department of Transportation Roadway Projects Update - Lanny Rhew, City Engineer, and Donnie Huffines, NCDOT Resident Engineer

Mr. Rhew and Mr. Huffines reviewed projects and gave the anticipated costs and completion dates.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

Mayor Wall said that Lake Mackintosh, Waterford Subdivision, Andrews Elementary School and St. Matthews AME Church had been locations suggested for the summer neighborhood meetings. He asked that Council be thinking about other locations and a timeline for the meetings keeping in mind that each meeting is limited to only two members of Council in attendance. He asked that this item be placed on the June work session agenda.

Mayor Wall stated that the June work session has been scheduled for Monday, June 14, 2010, due to the Memorial Day holiday.

Mayor Wall said that the Terrace Apartments were scheduled for demolition in early June.

Mayor Wall said that he hoped that Council shared the desire to improve several areas of Burlington including the business located at the intersection of North Church Street and Graham-Hopedale Road, a business located on Graham-Hopedale Road across from Fairchild Community Center, North Church Street across from Putt Putt, the former Domino's Pizza on North Church Street, the business located on Webb Avenue near the intersection with Gilmer Street and the area across from Terrace Apartments. Mayor Wall asked staff to take pictures and report back to Council. He said Council would do what was necessary to improve the appearance of these and other locations even if it required changing the ordinance.

Mayor Wall reminded Council of National Public Works Week and the luncheon Friday, May 21, 2010, at 11:30 a.m. at the Public Works facility.

ADJOURN

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk